



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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**FAO-345-2002 (O&M)
Decided on : 14.07.2026**

JEET SINGH

...APPELLANT

VERSUS

CHARANJEET SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Devyansh, Advocate,
Ms. Marvi Singh, Advocate and
Mr. Vipul Thakur, Advocate for
Mr. Nischal Chetanya Manchanda, Advocate
for appellant.

Mr. Vipul Sharma, Advocate for
Mr. Ravinder Arora, Advocate
for respondent No.3.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by the appellant-claimant, who had suffered injuries in accident dated 18.09.1998 resulting into fracture and permanent disability to the extent of 12% on account of rash and negligent driving by respondent-driver while driving car bearing registration No.PB-02-Q-3313 (hereinafter referred to as '**offending vehicle**'), being aggrieved by award of insufficient compensation of Rs.50,000/- awarded vide impugned award dated 14.06.2001 passed by the Motor Accident Claims Tribunal, Kurukshetra (hereinafter referred to as '**Tribunal**').

2. Since the finding of negligence on the part of respondent-driver is not being challenged by respondents either by way of appeal or by way of cross-objections, the detailed facts regarding manner of

accident are not being noticed herein for the sake of brevity.

3. In the present case, learned Tribunal had awarded the following compensation to appellants-claimants:

Treatment and medicines	Rs.15,775/-
For disability	Rs.8,000/-
Compensation for removal of iron rods	Rs.5,000/-
Special diet	Rs.10,000/-
Medical expenses, pain and sufferings, loss of amenities of life	Rs.6,225/-
Total compensation	Rs.50,000/-

4. Learned counsel for claimant-appellant has sought enhancement in compensation on the following grounds that :

- Learned Tribunal had erred in not granting compensation on the basis of functional disability (as permanent disability is 12%) as per income of injured after taking in account future prospects & multiplier (considering age of injured to be 32 years). Award of compensation amounting to Rs.50,000/- is insufficient and not in accordance with entitlement of claimant-appellant;
- Learned Tribunal has erred in not taking the income of appellant-claimant as was pleaded by the appellant-claimant.;
- Compensation for loss of future prospects and future amenities, for loss of income during treatment and for future medical expenses has not been granted to which appellant-claimant is entitled to;

- Future prospects were not added while determining loss of earning capacity. Future prospects to the extent 40% of monthly income needs to be added as appellant-claimant 32 years of age at the time of accident.
- Multiplier has not been applied; and
- Enhancement of compensation for medical expenses & other expenses and pain and sufferings being insufficient in view of nature of injuries, nature of treatment and period of hospitalisation, was sought.

5. Appellant-claimant had claimed that he was working as a driver with Haryana Roadways and was drawing salary of Rs.7400/- per month. It was asserted that after the accident, appellant-claimant was admitted in the hospital of Dr. K.D. Sharma on 18.09.1998 and two iron rods were inserted in left leg and then was discharged on 01.10.1998. Reliance upon hospital bills as well as medicine bills (Ex.P1 to Ex.P27) was placed.

6. From hospital and medical bills noted above, it is clearly made out that the appellant-claimant had spent Rs.15,775/- for hospital expenses and Rs.13,049/- as expenses on medicines. Rs.5,000/- were spent on surgery for removal of rods. In view of expenditure incurred by appellant-claimant on his treatment, learned Tribunal has erred in granting consolidated compensation under all the heads to the extent of Rs.50,000/-. Apart from hospital/medical bills, appellant-claimant, who had suffered grievous injuries i.e. fracture on leg, therefore must have spent some amount on transportation, diet and expenses on attendant etc.

Accordingly, compensation of Rs.50,000/- is awarded for medical

expenses, special diet, attendant and transportation charges etc.

7. Appellant-claimant had suffered fractures on leg, was operated upon and had remained in hospital for about 13 days and had also suffered permanent disability to the extent of 12% which goes to show that appellant-claimant must have undergone immense pain and sufferings. Accordingly, compensation of Rs.50,000/- is awarded for pain and sufferings.

8. Appellant-claimant is stated to have undergone treatment and surgery for fracture which goes to show that he must have remained out of job for at least four months, however, no compensation can be paid for same as appellant-claimant had availed benefit of leave and salary for said period.

9. In order to prove, permanent disability on account of injuries, appellant-claimant had placed reliance upon evidence of PW3 Dr. C.R. Khatri as well as evidence of PW5-Dr. K.D. Sharma treating doctor who had found permanent disability to the extent of 12% and 19%, respectively.

10. On consideration of evidence led by appellant-claimant, especially that of PW3-Dr. C.R. Khatri and PW5-Dr. K.D. Sharma, it is clearly made out that assessment made by Dr. K.D. Sharma was during the treatment, whereas the assessment made by Dr. C.R. Khatri was subsequent to treatment. Thus, assessment made by Dr. C.R. Khatri is better assessment as appellant-claimant's condition must have improved subsequently. Disability certificate (Ex.P28) as proved by PW3, therefore, inspires confidence over the testimony of Dr. K.D. Sharma and

accordingly disability is taken to the extent of 12% as stated in disability certificate (Ex.P28). In present case due to insertion of rod as well as on account of fracture suffered by appellant-claimant and due to delayed joining of bones had resulted in stiffness and shortening of leg by half inch. Therefore, the functional disability of appellant-claimant who happens to be the driver has to be taken equivalent to permanent disability as recorded by PW3-Dr. C.R. Khatri. Accordingly, functional disability in present case is taken as 12%.

11. Appellant-claimant has duly proved his last pay certificate, wherein his last pay was Rs.7,400/-. Accordingly, income of appellant-claimant is taken as Rs.7,400/- per month. Appellant-claimant was 32 years old at the time of accident. Accordingly, he shall be entitled to addition of future prospects to the extent of 40% in view of judgment passed by Hon'ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi and Ors.**, 2017 (16) SCC 680. Multiplier for determining loss of earning capacity has to be taken as '15' in view of age of appellant-claimant.

12. As appellant-claimant had suffered permanent disability, which is functional in nature, therefore, appellant-claimant shall be deprived of future amenities of life as well as would have lessor future prospects. Accordingly, appellant-claimant is awarded compensation of Rs.50,000/- loss of future prospects and future amenities.

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13. For the reasons stated in present application has been filed under Section 151 of Code of Civil Procedure, 1908 by appellant-

claimant for placing on record expenses incurred by him subsequently on his medical treatment after passing of award, same is allowed being necessary for just and proper adjudication of the present case.

14. Appellant-claimant is accordingly awarded compensation of Rs.30,000/- for future medical expenses.

15. Re-worked compensation payable to appellant-claimant is as under:-

Income	Rs.7,400/- per month	Rs.7,400/- per month
Future Prospects	40% (7,400 + 2,960)	Rs.10,360/-
Functional disability	12% of 10,360	Rs.1,243/-
Multiplier	15	15
Total loss of earning capacity	10,360 X 12 X 15	Rs.2,23,740/-
Medical expenses, special diet, attendant and transportation charges		Rs.50,000/-
Pain and sufferings		Rs.50,000/-
Loss of future prospects and future amenities		Rs.50,000/-
Future medical expenditure		Rs.30,000/-
Total Compensation awarded by the Tribunal	Rs.50,000/-	
Total Compensation awarded in appeal		Rs.4,03,740/-

Difference of amount of compensation	Rs.4,03,740 /- (awarded in appeal) - Rs.50,000/- (awarded by Tribunal)	Rs.3,53,740/-
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16. Appellant-claimant shall also be entitled to interest over enhanced amount to the extent of 7.5% from the date of filing of claim petition till its realization. The apportionment and liability of respondents to pay compensation shall be as per award.
17. Present appeal is allowed in above terms.
18. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)

JUDGE

14.07.2026

Sunil Chander

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No